



# HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: February 12, 2015  
Project End Date: February 01, 2020

Permit Number: 2015-6-86+01  
FPA/Public Notice Number: N/A  
Application ID: 2250

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Electron Hydro LLC ATTENTION: Thom Fischer 1800 James St, Ste 201 Bellingham, WA 98225	

**Project Name:** Electron Hydro-Puyallup River Gravel Manipulation

**Project Description:** The proposed work is for manipulation of gravel deposits which collect upstream of the dam and project intake.

The actions are for manipulation of gravel for supporting project function. As the case with the previous permit conditions, WDFW will be notified prior to starting work. The extent of gravel manipulation and placement of excavated material in the active channel will be defined in consultation with WDFW, but kept to the minimum that allows the fish ladder, intake, and dam to function properly. Equipment required will be a cat, front end loader and trackhoe. Typically the maintenance work is completed in late summer during low flow periods, and the heavy equipment is staged on a constructed temporary berm, minimizing machinery submergence. Material will not leave the active channel of the Puyallup River. River substrate will be moved to where the Puyallup River could naturally move the material downstream. This action is part of on-going project maintenance to assure project function and effective upstream fish passage.

At the request of PTI, Electron Hydro LLC may assist PTI in maintenance of the fish ladder by removing deposited material immediately upstream of the fish ladder intake. This maintenance is the responsibility of the PTI, but under the direction of PTI, Electron Hydro LLC may assist PTI with this maintenance.

## PROVISIONS

### PLANS

1. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled "Electron Hydro-Puyallup River Gravel Manipulation" and dated "December 1, 2014" except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

### TIMING

2. The project may begin March 1, 2015 and shall be completed by February 28, 2020; Provided:
- Work below the ordinary high water line shall only occur between July 15 and September 15 without consultation with both WDFW and Puyallup Tribe.
  - Fish spawning is not occurring in the areas where work will occur, or within 100 feet upstream or downstream.
  - In the event that work is requested outside the July 15 to September 15 in-stream work window, the permittee shall request the Area Habitat Biologist and Puyallup Tribe make a site visit and evaluate whether work may be done within the excavation limits of the excavation zone, unless the fish ladder is not operating correctly in which case verbal approval may be given if WDFW and PTI are provided an email with pictures clearly showing the issue.



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## NOTIFICATION REQUIREMENTS

3. NOTIFICATION REQUIREMENT: The Puyallup Tribe (Russ Ladley 253-680-5568) and Area Habitat Biologist listed below shall receive notification (via phone or email) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than seven working days prior to start of work (unless emergency work is needed to restore fish ladder function and approval is granted), and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

## GRAVEL MANIPULATION

4. Gravel manipulation or channel work shall not be conducted in fish spawning areas or prevent the operation of the Electron Fish Passage Facility (fish ladder). Spawning determination shall be made by a qualified biologist, and WDFW and Puyallup Tribe shall be given notification at least 72 hour notice in advance so that a joint evaluation can occur, unless emergency work is required to restore fish passage through the ladder. Emergency work on the intake can also occur in cases where fish passage is restored.

5. Gravel shall not be pushed across the channel.

6. This Hydraulic Project Approval (HPA) does not authorize the permanent removal of gravel from the river system. Gravel shall remain in the river channel either immediately upstream of the Electron Dam, or as far downstream as the River Mile 40. Gravel may be stored landward of Ordinary High Water outside the work window, but by September 15 of each year, all river sediment must be returned to the river either in the active channel or on an existing gravel bar, but not in a way that visibly increases turbidity.

7. Under no circumstances shall a blockage to fish passage be created.

## FISH and WATER QUALITY

8. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

## EQUIPMENT

9. Equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete. Dredged material shall not be stockpiled in the stream.

10. Equipment used for this project shall be free of external petroleum-based products while working around the river. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the river.

11. The use of equipment drive mechanisms below the ordinary high water line shall be limited to that necessary to gain position for work.

12. Depressions created in gravel bars shall be filled, smoothed over, and sloped upwards toward the bank on a minimum two percent gradient.

## WOODY MATERIAL

13. Large woody material embedded in the bank or streambed shall be left undisturbed and intact whenever possible. Relocated wood shall be retained in the river system and placed below the ordinary high water line immediately downstream of the dam.

14. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream and shall avoid spawning areas.

## MITIGATION

15. Each separate incident of gravel manipulation outside the work window to keep the intake functional or modify flow,



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shall result in the need for mitigation. Each occurrence shall result in one unit of mitigation needed. By September 15 of each year the permit is valid, the permittee shall perform at least as much mitigation as work requiring mitigation was done outside the work window. The permittee can have a positive balance and carry that forward, but the balance cannot be negative. By September 30 of each year the permit is valid, the permittee shall document in writing (email is fine) how much mitigation was needed, and how much was earned and how (what work was done). By April 31, 2020 the final list of mitigation required, and how much was earned and how (what work was done) shall be submitted in writing to WDFW (email is still acceptable). Mitigation can be earned in the following ways:

- Each separate occurrence of moving gravel (either at entrance or within the facility) to restore passage and function at the fish passage facility (ladder) shall be worth 1/3 unit. These can be earned at the same time as work done to maintain the intake.
- A full unit shall be earned each time two conifer logs with a rootwad are added to the river below ordinary high water, that are at least 18 inches in diameter and 20 feet long. This wood shall be added during the work window and below the dam but above River Mile 40.
- A full unit shall be earned each time four conifer logs are added to the river below ordinary high water, that are at least 18 inches in diameter and 20 feet long. No root wads. This wood shall be added during the work window and below the dam but above River Mile 40.
- A full unit of mitigation shall be earned if the permittee provides the equipment and personnel to restore one of the acclimation ponds used by the Puyallup Indian Tribe, known as Rushing Water or Cow Skull. This work shall occur only during the work window (unless otherwise permitted in writing), and be done to specifications according to the Puyallup Indian Tribe. Tribal staff shall be present to provide oversight. Other permits, including a separate HPA, may be required. This is not binding to either party, but rather is simply a mitigation option.

LOCATION #1:	Site Name: Electron Hydro LLC , Orting, WA 98360					
WORK START:	March 1, 2015			WORK END:	February 28, 2020	
WRIA	Waterbody:			Tributary to:		
10 - Puyallup - White	Puyallup River			Puyallup River		
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NW 1/4	03	16 N	06 E	46.90554	-122.03974	Pierce
Location #1 Driving Directions						
From Orting, drive 1.2 miles south on Hwy 162 and turn right onto the Oroville Road. Follow road and turn left onto Brooks road just before bridge over Puyallup River. Proceed into Hancock Kapowsin tree farm. Take 6 road to the 62 road, and then access site via gate at junction with 51 road.						

## APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person (s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.



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This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

**MINOR MODIFICATIONS TO THIS HPA:** You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). Do not include payment with your request. You should allow up to 45 days for the department to process your request.



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**MAJOR MODIFICATIONS TO THIS HPA:** You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, payment of the application the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

**A. INFORMAL APPEALS:** WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

**B. FORMAL APPEALS:** WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.



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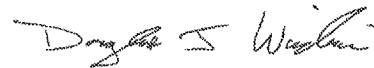
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A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

**C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS:** If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist Douglas.Wiedemeier@dfw.wa.gov  
Doug Wiedemeier 360-902-2526

 for Director  
WDFW